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10 August 1989
OCA 2817-89

MEMORANDUM FOR: Chief/Arms Control Intelligence Staff

FROM:

[Redacted]

Legislation Division
Office of Congressional Affairs

STAT

SUBJECT: Arms Control Amendments

1. Attached for your information are copies of parts of four Congressional Records for 1 August and 2 August 1989, wherein the Senate passed amendments to the DoD Authorization Bill which would require reports on certain arms control issues.

2. The first amendment requires the Secretary of Defense and the Secretary of Energy, in consultation with the DCI, to prepare a classified and an unclassified report, by 30 April 1990, on the on-site monitoring techniques that would be used to verify Soviet dismantlement of nuclear warheads, and on the inspection techniques that would be used to verify the end use and purpose of fissile materials recovered under any Soviet dismantlement process.

3. The second amendment requires the Secretary of Defense, in coordination with the CIA, to submit a classified and unclassified report to Congress on the asymmetries in the United States and Soviet ABM capabilities and production.

4. The third amendment requires the President to submit a classified and an unclassified report to Congress by 1 March 1990 on the measures that would be required to verify conventional arms reductions in Europe.

5. The fourth amendment requires the President to submit a classified and an unclassified report to Congress by 15 March 1990 on the desirability of an agreement to impose limitations on anti-satellite capabilities, including a determination as to whether such limitations would be verifiable.

[Redacted]

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Attachment

OCA 2817-89

SUBJECT: Arms Control Amendments

OCA/LEG/ [] (10 Aug 89)

STAT

Distribution:

Original - Addressee (w/att)

1 - OCA Records (w/att)

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STAT

August 1, 1989

CONGRESSIONAL RECORD — SENATE

S 9299

AMENDMENT NO. 626, AS MODIFIED

(Purpose: To require the Secretaries of the military departments to sell United States domestic meat and meat food products in commissary stores in member countries of the Economic Community and to serve United States domestic meat and meat food products in dining facilities of that department in such countries)

Mr. HARKIN. Mr. President, I send a modification to my underlying first-degree amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Iowa will be treated as a modification of his own amendment.

Without objection, the modification will be reported. The amendment as modified will be reported by the clerk.

The legislative clerk read as follows:

The Harkin amendment (No. 626) is modified to delete the subsection C related to funding.

The amendment, as modified, is as follows:

On page 293, between lines 13 and 14, insert the following:

SEC. 917. SALE AND USE OF UNITED STATES DOMESTIC MEAT IN ARMED FORCES FACILITIES IN THE EUROPEAN COMMUNITY.

(a) REQUIREMENT TO USE UNITED STATES DOMESTIC MEAT.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

§ 2491. Commissary stores and dining facilities: sale and use of United States domestic meat in the European Community

"(a) The Secretary of each military department shall ensure that the meat and meat food products sold in commissary stores of that military department located in any member country of the European Community and the meat and meat food products served in dining facilities of that military department located in any such country are produced and processed in the United States.

"(b) In this section:

"(1) The term 'meat' means meat within the meaning of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

"(2) The term 'meat food product' has the same meaning as provided in section 1(i) of such Act."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2491. Commissary stores and dining facilities: sale and use of United States domestic meat in the European Community."

(b) GENERAL POLICY.—It is the sense of Congress that the Secretary of each military department should intensify efforts to procure from United States sources the products to be sold in commissary stores of that department, the food products to be served in dining facilities of that department, and the supplies to be used in such dining facilities.

Mr. HARKIN. Mr. President, the modification basically strikes out the references to specific levels or sources of funding. The Secretary will carry out the requirements of the amendment using the funds and resources of the Department of Defense. The obligation of the Secretary under the amendment will not depend upon any specific authorizations or appropri-

tions of funds to carry out the provisions of the amendment.

I thank my good friend from Arizona for helping work this amendment out. I really appreciate his help very much.

The PRESIDING OFFICER. Is there further discussion of the amendment? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 626), as modified was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table.

The Senator from Virginia.

AMENDMENT NO. 637

(Purpose: To provide a report to identify individuals participating in radiation risk activities not covered by the Atomic Veterans Act, Public Law 100-321)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator SYMMS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SYMMS, proposes an amendment numbered 637.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

Sec. (a) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall submit to the Committees on Armed Services and Veterans' Affairs of the Senate and House of Representatives a report identifying the numbers of individuals who, while serving on active duty for training, inactive duty training, or as a military technician of the National Guard, participated in radiation-risk activities, but are not covered under provisions of the Atomic Veterans Act, Public Law 100-321.

(b) The report required by subparagraph (a) shall be submitted not later than 60 days after enactment of this Act.

Mr. WARNER. Mr. President, this amendment simply asks for a report.

It is cleared on both sides.

The PRESIDING OFFICER. If there is no further discussion of the amendment, the question is on agreeing to the amendment.

The amendment (No. 637) was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table.

AMENDMENT NO. 638

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, proposes an amendment numbered 638.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . REPORT ON VERIFICATION PROCEDURES FOR THE DISMANTLEMENT OF NUCLEAR WARHEADS ON FISSILE MATERIAL MONITORING.

(a) REPORT.—The Secretary of Defense and Secretary of Energy, in coordination with the Director of Central Intelligence, shall prepare a report for the Congress on—

(1) The on-site monitoring techniques, inspection arrangements, and national technical means, that would be used to verify Soviet dismantlement of nuclear warheads in the event the United States determines that it is in its national interests to agree to a provision in a future strategic arms reduction treaty that would require both parties to dismantle warheads associated with delivery systems eliminated by the terms of the agreement.

(2) The on-site monitoring techniques, inspection arrangements, and national technical means, that would produce or be used to verify the end use and purpose of any fissile materials that are recovered from the dismantlement process described under section (a)(1) of this amendment.

(b) PREPARATION AND SUBMISSION OF REPORT.—The report shall be submitted in both classified and unclassified form to the Committee on Armed Services and Senate Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives no later than April 30, 1990.

Mr. KENNEDY. Mr. President, I have an amendment at the desk. The wording of this amendment has been worked out and agreed upon by both sides.

Senator WIRTH and Senator ADAMS join me in offering this amendment. Our amendment requires a report from the President on the technical aspects of verifiable nuclear warhead dismantlement and the monitoring of fissile materials.

One of the disputed issues during the debate over the INF Treaty was the lack of a requirement to verifiably dismantle the warheads on delivery systems to be eliminated under the treaty. This issue was raised by a number of Senators from across the political spectrum. It remains to be explored as a potential component of future agreements beyond START.

Another important aspect of verifying future nuclear warhead reductions is assuring that additional plutonium and highly enriched uranium is not produced to replace the warheads being dismantled. This would require a capability to monitor a future agreement assuring the peaceful uses of nuclear materials.

Such enhanced monitoring capabilities will also be important for verifying an extended nuclear nonproliferation regime, covering the so-called nuclear weapons threshold states, such as India and Pakistan, that may no longer fit the description of "nonweapon" states under the Nonproliferation Treaty.

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"(b) In this section:

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"(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

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(b) GENERAL POLICY.—It is the sense of Congress that the Secretary of each military department should intensify efforts to procure from United States sources the products to be sold in commissary stores of that department, the food products to be served in dining facilities of that department, and the supplies to be used in such dining facilities.

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(2) The on-site monitoring techniques, inspection arrangements, and national technical means, that would produce or be used to verify the end use and purpose of any fissile materials that are recovered from the dismantlement process described under section (a)(1) of this amendment.

(b) PREPARATION AND SUBMISSION OF REPORT.—The report shall be submitted in both classified and unclassified form to the Committee on Armed Services and Senate Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives no later than April 30, 1990.

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Such enhanced monitoring capabilities will also be important for verifying an extended nuclear nonproliferation regime, covering the so-called nuclear weapons threshold states, such as India and Pakistan, that may no longer fit the description of "nonweapon" states under the Nonproliferation Treaty.

spond to a Soviet breakout in each of the above mentioned areas.

(4) An assessment of the immediate and long-term steps which could be taken to respond to Soviet violations of the ABM Treaty, and other Soviet activities that are either permitted or ambiguous under the terms of that treaty, to redress the asymmetry in ABM Treaty breakout potential. This assessment shall include an evaluation of the measures which would be necessary to support a one-site ABM system allowed under the Treaty or an expanded ABM system in the event of a Soviet breakout of the Treaty. Such evaluation shall specifically address the required actions and associated costs to upgrade and expand the existing United States radar network, dismantled ABM components at Grand Forks, North Dakota, and other required components.

(b) REPORT.—Not later than the date on which the budget for fiscal year 1991 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit in classified and unclassified form to the Committees on Armed Services of the Senate and House of Representatives a report specifying the results of the study conducted pursuant to this section.

(c) 1972 ABM TREATY DEFINED.—In this section, the term "1972 ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitations of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972.

PART D—STRATEGIC PROGRAMS

SEC. 241. TRIDENT II MISSILE PROGRAM

In achieving any undistributed reduction required to be made in programs, projects, or activities for which funds have been appropriated to the Department of Defense for fiscal year 1990, no reduction may be made in the amount appropriated for the Trident II missile program.

SEC. 242. SECURITY AT THE KWAJALEIN TEST RANGE

The Secretary of the Air Force may transfer \$5,000,000 from funds available to the Air Force for research, development, test, and evaluation for fiscal year 1990 to the Army for the sole purpose of funding highest priority security improvements at the Kwajalein Test Range. The Secretary of the Army may provide \$2,500,000 for the same purpose from funds available to the Army for research, development, test, and evaluation for fiscal year 1990. Funds made available for such purpose by the Secretary of the Army may not be made available from funds otherwise available for the United States Army Kwajalein Atoll Command.

SEC. 243. RESTORATION OF CERTAIN REPORTING REQUIREMENTS RELATING TO CHEMICAL AND BIOLOGICAL WARFARE AGENTS

(a) SPECIFIC REPORTS.—Section 602 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (100 Stat. 1066; 10 U.S.C. 111 note) is amended—

(1) by striking out subsection (g) and inserting in lieu thereof the following:

"(g) PUBLIC LAW 91-121.—The exception provided in subsection (d)(3) applies to the following annual report and notifications relating to chemical or biological warfare agents:

"(1) The annual report required by subsection (a) of section 409 of Public Law 91-121 (50 U.S.C. 1511).

"(2) Notifications required by subsections (b)(4) and (c)(1) of such section (50 U.S.C. 1512(4), 1513(1))."

(2) by striking out subsection (h) and inserting in lieu thereof the following:

"(h) PUBLIC LAW 91-441.—The exception provided in subsection (d)(3) applies to the following reports:

"(1) The annual report required by section 203(c) of Public Law 91-141 (10 U.S.C. 2358 note), relating to independent research and development and bid and proposal programs.

"(2) Reports required by subsection (d) of section 506 of such public law (50 U.S.C. 1518), relating to the disposal of chemical or biological warfare agents;" and

(3) by adding at the end the following new subsection:

"(v) PUBLIC LAW 95-79.—The exception provided in subsection (d)(3) applies to the notifications required by section 808 of Public Law 95-79 (50 U.S.C. 1520), relating to chemical or biological warfare agents."

(b) CONFORMING AMENDMENT.—Section 602(d)(3) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 is amended by striking out "(u)" and inserting in lieu thereof "(v)".

PART E—ALLIED COOPERATIVE RESEARCH AND DEVELOPMENT

SEC. 251. ALLIED COOPERATIVE RESEARCH AND DEVELOPMENT

(a) DESIGNATION OF SUBCHAPTERS.—Chapter 138 of title 10, United States Code, is amended—

(1) by striking out the chapter heading and inserting in lieu thereof the following:

"CHAPTER 138—COOPERATIVE AGREEMENTS WITH NATO ALLIES AND OTHER COUNTRIES

"Subchapter

"I. Acquisition and Cross-Servicing

Agreements..... 2341

"II. Other Cooperative Agreements..... 2350a

"SUBCHAPTER I—ACQUISITION AND CROSS-SERVICING AGREEMENTS"; and

(2) by adding at the end the following:

"SUBCHAPTER II—OTHER COOPERATIVE AGREEMENTS

"Sec.

"2350a. Allied cooperative research and development.

"§ 2350a. Allied cooperative research and development

"(a) AUTHORITY TO ENGAGE IN COOPERATIVE R & D PROJECTS.—The Secretary of Defense may enter into a memorandum of understanding (or other formal agreement) with one or more major allies of the United States for the purpose of conducting cooperative research and development projects on defense equipment and munitions.

"(b) RESTRICTIONS.—(1) A memorandum of understanding (or other formal agreement) to conduct a cooperative research and development project under this section may not be entered into unless the Secretary of Defense determines that the proposed project will improve through the application of emerging technology the conventional defense capabilities of the North Atlantic Treaty Organization (NATO) or the common conventional defense capabilities of the United States and its major non-NATO allies.

"(2) Each cooperative project entered into under this section shall require sharing of the costs of research and development between the participants on an equitable basis.

"(3) The Secretary may not delegate the authority to make a determination under paragraph (1) except to the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition.

"(c) RESTRICTIONS ON PROCUREMENT OF EQUIPMENT AND SERVICES.—(1) In order to assure substantial participation on the part of the major allies of the United States in approved cooperative research and develop-

ment projects, funds made available for such projects may not be used to purchase equipment or services from any foreign government, foreign research organization, or other foreign entity.

"(2) A major ally of the United States may not use any military or economic assistance, grant, loan, or other funds provided by the United States for the purpose of that ally's contribution to a cooperative research and development program entered into with the United States under this section.

"(d) COOPERATIVE OPPORTUNITIES DOCUMENT.—(1)(A) In order to ensure that opportunities to conduct cooperative research and development projects are considered at the early decision points in the Department of Defense's formal development process in connection with any project of the Department of Defense, the Under Secretary of Defense for Acquisition shall prepare a formal arms cooperation opportunities document for review by the Defense Acquisition Board at its formations.

"(B) The Under Secretary shall prepare an arms cooperation opportunities document for review of each new project which a Mission Need Statement is required to be prepared.

"(2) The formal arms cooperation opportunities document referred to in paragraph (1) shall include the following:

"(A) A statement indicating whether the project is similar to the one under consideration by the Department of Defense in development or production by more of the major allies of the United States.

"(B) If a project similar to the one under consideration by the Department of Defense is in development or production by one or more major allies of the United States, an assessment by the Under Secretary of Defense for Acquisition as to whether that project could satisfy, or be modified in scope so as to satisfy, the treaty requirements of the project of the United States under consideration by the Department of Defense.

"(C) An assessment of the advantages and disadvantages with regard to personnel, developmental and life cycle costs, technology sharing, and Rationalization, Standardization, and Interoperability of seeking to structure a cooperative development program with one or more allies of the United States.

"(D) The recommendation of the Secretary of Defense for Acquisition as to whether the Department of Defense should explore the feasibility and desirability of a cooperative development program with one or more major allies of the United States.

"(e) REPORTS TO CONGRESS.—(1) Not later than March 1 of each year, the Under Secretary of Defense for Acquisition shall submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a report—

"(A) describing the status, funding, schedule of existing cooperative research and development projects carried out under this section for which memoranda of understanding (or other formal agreements) have been entered into; and

"(B) describing the purpose, funding, schedule of any new cooperative research and development projects proposed to be carried out under this section for those projects for which memoranda of understanding (or other formal agreements) have not yet been entered into; and

funds have been included in the budget submitted to Congress pursuant to section 1105 of title 31, United States Code.

August 2, 1989

CONGRESSIONAL RECORD — SENATE

S 9515

PART C—STRATEGIC DEFENSE INITIATIVE

SEC. 231. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE FOR FISCAL YEAR 1990

(a) **AMOUNT AUTHORIZED.**—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990, not more than \$4,301,904,000 may be obligated for the Strategic Defense Initiative.

(b) **DEFENSE-WIDE MISSION SUPPORT.**—Of the amount made available for the Strategic Defense Initiative pursuant to subsection (a), \$26,394,000 may be used for defense-wide mission support of the Strategic Defense Initiative.

(c) **SDI NATIONAL TEST BED CONSTRUCTION.**—The Secretary of Defense may transfer not more than \$23,000,000 of the amounts made available for the Strategic Defense Initiative pursuant to subsection (a) to the appropriate military construction account for use only in connection with the construction of the National Test Bed project.

SEC. 232. REPORT ON ALLOCATION OF FISCAL YEAR 1990 SDI FUNDING

(a) **REPORT.**—The Secretary of Defense shall submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1990. The report shall specify the amount of such funds allocated for each program, project, or activity of the Strategic Defense Initiative.

(b) **DEADLINE FOR REPORT.**—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of legislation appropriating funds for the Strategic Defense Initiative for fiscal year 1990.

SEC. 233. ANNUAL REPORT ON SDI PROGRAMS

(a) **IN GENERAL.**—Not later than March 15, 1990, and March 15 each year thereafter, the Secretary of Defense shall transmit to Congress a report (in both an unclassified and a classified form) on the programs and projects that constitute the Strategic Defense Initiative and on any other program or project relating to defense against ballistic missiles. Each such report shall include the following:

(1) A statement of the basic strategy for research and development being pursued by the Defense Department under the Strategic Defense Initiative, including the relative priority being afforded, respectively, to the development of near-term deployment options and research on longer-term technological approaches.

(2) A detailed description of each program or project included in the Strategic Defense Initiative (SDI) or which otherwise relates to defense against strategic ballistic missiles, including a technical evaluation of each such program or project and an assessment as to when each can be brought to the stage of full-scale engineering development (assuming funding as requested or programmed).

(3) A clear definition of the objectives of each planned deployment phase of the Strategic Defense Initiative or defense against strategic ballistic missiles.

(4) An explanation of the relationship between each such phase and each program and project associated with the proposed architecture for that phase.

(5) The status of consultations with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program.

(6) A statement of the compliance of the planned SDI development and testing programs with existing arms control agreements, including the Antiballistic Missile Treaty.

(7) A review of possible countermeasures of the Soviet Union to specific SDI programs, an estimate of the time and cost required for the Soviet Union to develop each such countermeasure, and an evaluation of the adequacy of the SDI programs described in the report to respond to such countermeasures.

(8) Details regarding funding of programs and projects for the Strategic Defense Initiative (including the amounts authorized, appropriated, and made available for obligation after undistributed reductions or other offsetting reductions were carried out), as follows:

(A) the level of requested and appropriated funding provided for the current fiscal year for each program and project in the Strategic Defense Initiative budgetary presentation materials provided to Congress;

(B) the aggregate amount of funding provided for previous fiscal years (including the current fiscal year) for each such program and project;

(C) the amount requested to be appropriated for each such program and project for the next fiscal year;

(D) the amount programmed to be requested for each such program and project for the following fiscal year; and

(E) the amount required to reach the next significant milestone for each demonstration program and each major technology program.

(9) Details on what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions. The missions to be considered include—

(A) defending elements of the Armed Forces abroad and United States allies against tactical ballistic missiles, particularly new and highly accurate Soviet shorter range ballistic missiles armed with conventional, chemical, or nuclear warheads;

(B) defending against an accidental launch of strategic ballistic missiles against the United States;

(C) defending against a limited but militarily effective Soviet attack aimed at disrupting the National Command Authority or other valuable military assets;

(D) providing sufficient warning and tracking information to defend or effectively evade possible Soviet attacks against military satellites, including those in high orbits;

(E) providing early warning and attack assessment information and the necessary survivable command, control, and communications to facilitate the use of United States military forces in defense against possible Soviet conventional or strategic attacks;

(F) providing protection of United States population from a Soviet nuclear attack; and

(G) any other significant near-term military mission that the application of SDI technologies might help to accomplish.

(10) For each of the near-term military missions listed in paragraph (9), the report shall include—

(A) a list of specific program elements of the Strategic Defense Initiative that are pertinent to these applications;

(B) the Secretary's estimate of the initial operating capability dates for the architectures or systems to accomplish such missions;

(C) the Secretary's estimate of the level of funding necessary for each program to reach those operating capability dates; and

(D) the Secretary's estimate of the survivability and cost effectiveness at the margin of such architectures or systems against current and projected Soviet threats.

SEC. 234. DEVELOPMENT AND TESTING OF ANTIBALLISTIC MISSILE SYSTEMS OR COMPONENTS

(a) **USE OF FUNDS.**—(1) Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1990, or any fiscal year before 1990, shall be subject to the limitations prescribed in paragraph (2).

(2) Funds described in paragraph (1) may not be obligated or expended—

(A) for the development or testing of any anti-ballistic missile system or component, except for development and testing consistent with the development and testing described in the 1989 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the 1989 SDIO Report.

(3) The limitation provided in paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1990 if the transfer is made in accordance with section 901 of this Act.

(b) **DEFINITION.**—As used in this section, the term "1989 SDIO Report" means the report entitled, "1989 Report to Congress on the Strategic Defense Initiative," dated January 19, 1989, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense pursuant to section 231 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1059).

SEC. 235. SDI FUNDS FOR SUPPORT OF MEDICAL FREE ELECTRON LASER PROGRAM

Of the amounts made available pursuant to section 231 for fiscal years 1990 and 1991, not more than \$20,000,000 for each such year may be used to support the medical free electron laser program.

SEC. 236. REPORT ON ASYMMETRIES IN UNITED STATES AND SOVIET ABM PRODUCTION AND CAPABILITIES

(a) **STUDY.**—The Secretary of Defense, in coordination with the Central Intelligence Agency, shall submit to Congress a report on the asymmetry in United States and Soviet near-term capabilities to deploy antiballistic missile defenses beyond those permitted under the 1972 ABM Treaty. The study shall include the following:

(1) An assessment of the likelihood of a Soviet breakout of the ABM Treaty in the next five years and the assumptions used for that assessment.

(2) An assessment of the Soviet capability to exploit a non-ABM Treaty limited environment, including a detailed assessment of Soviet production capabilities for space-based ABM launchers and ground-based ABM launchers, interceptors, and battle management command, control, and communications.

(3) An assessment of the United States production base for space-based and ground-based ABM launchers, interceptors, and battle management command, control, and communications, including an estimate of how quickly the United States could re-

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program in that fashion. I am sorry that we in this body are not ready to support a suitable amendment, but this is clearly an urgent priority once we are in conference.

Mr. NUNN. The Senator raises a number of excellent points. The committee is concerned about having an adequate number of attack helicopters in the Army National Guard. Unfortunately, some very difficult procurement decisions had to be made this year and more will have to be made next year as well.

Mr. DeCONCINI. I appreciate the difficult decisions facing the chairman and the Department. I have been following the situation carefully as a member of the Appropriations Committee which will shortly be addressing many of the same problems.

I hope the chairman will keep an open mind about the termination and would be willing to reconsider the issue next year. I trust that the chairman will be equally openminded during the conference with the House Armed Services Committee which has included bill language directing the Army to proceed with the multiyear Apache procurement.

I would like to add that this multiyear procurement would provide an estimated 13.2-percent savings over 4 years—savings which well exceed the 10-percent minimum savings prescribed by the reported bill. This equates to savings of \$420 million over single year procurement and would provide \$27.5 million in savings this year.

Mr. NUNN. I am aware that the House has taken a different position than the Senate on a number of the proposed terminations. This committee's historic support for the Apache program clearly suggests that our recommendation was a most difficult one. Perhaps the distinguished chairman of the Conventional Forces Subcommittee would care to comment.

Mr. LEVIN. Mr. President, our subcommittee fully considered the Apache production program during markup. It was a close call and we chose to support the Department's recommended terminations although the Apache was at the top of our list of items that would otherwise have been reversed.

I can assure the senior Senator from Arizona that we will listen carefully to the House's argument and hopefully find a solution acceptable to everyone, including the Senator from Arizona.

Mr. DIXON. If the Senator would yield, I am pleased that the senior Senator from Arizona has raised this issue. I was disappointed that Secretary Cheney recommended termination of the AH-64. I have flown in the aircraft and believe it is the finest attack helicopter in the world. We considered several amendments during markup to restore funding for the AH-64. I voted for those amendments, but unfortunately we did not win. I, too, hope that the leadership of the com-

mittee is openminded on the subject when we go to conference. I would like to restore the AH-64 program, but I know it will be a difficult conference and we all will have to approach it in an objective manner.

Mr. DeCONCINI. I thank the distinguished chairman of the committee and subcommittee for their remarks. In light of their assurance that the issue of continued production of the Apache beyond fiscal year 1991 will be approached with an open mind, I will not proceed with my plan to offer amendments concerning the Apache production program.

Mr. NUNN. I thank the Senator for withholding his amendment. I can assure the Senator that we will fully consider continued Apache production, the 4-year multiyear contract issue, and the fiscal year 1990 funding shortfall point you have outlined for us here. I thank the distinguished Senator from Arizona for his interest.

CONVENTIONAL ARMS CONTROL VERIFICATION

Mr. WIRTH. Mr. President, the initiatives outlined by Soviet President Gorbachev at his United Nations speech last December and President Bush at the NATO summit at the end of May have propelled conventional arms control to the top of the East-West agenda. The proposals of the two sides at the negotiations at Vienna, now in their sixth month, are more remarkable for their similarities than their differences. President Bush's push to seek agreement on a conventional arms reduction accord within one year has accelerated work on the remaining areas of disagreement.

No aspect of the emerging agreement on Conventional Armed Forces in Europe (CFE) is more complex than the verification regime which will accompany such an agreement. Unlike the verification provisions outlined in previous bilateral nuclear arms control accords, verification of a CFE agreement will require cooperation among 23 nations covering hundreds of thousands of defense items and military personnel in an area stretching from the Atlantic Ocean to the Ural Mountains.

In recognition of the importance and complexity of conventional arms control verification, the Senate Armed Services Committee in its markup of the fiscal year 1990 Defense Department authorization bill now pending before the Senate agreed to add a provision requiring a Presidential report on the types of measures that would be necessary to verify effectively the conventional arms proposal adopted at the NATO Summit on May 30, 1989. That provision, section 905, is self-explanatory, and I, therefore, ask unanimous consent that the text of the section appear in full in the Record at this point.

There being no objection, the section was ordered to be printed in the Record, as follows:

SEC. 905. REPORT ON CONVENTIONAL ARMS CONTROL VERIFICATION.

(a) REPORT.—(1) The President shall submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a report on the types of measures that would be required to verify effectively the proposal for conventional arms reductions in Europe adopted by the member nations of the North Atlantic Treaty Organization (NATO) on May 30, 1989. The President shall include in such report—

(A) a discussion of the necessary types of data that would be exchanged by the parties to such an agreement;

(B) a description of the national technical means, on-site inspections, and other cooperative measures that would be necessary for the parties to such an agreement to detect and verify potential or actual violations of the agreement;

(C) an analysis of the measures that would be required to monitor (i) the withdrawal and demobilization of military personnel, and (ii) the withdrawal and when required, the destruction of military equipment provided for in any such agreement;

(D) a discussion of the procedures NATO would follow in the event of a violation of such agreement by a member or members of the Warsaw Treaty Organization; and

(E) a comprehensive analysis of—

(i) the uncertainties in data bases used by the United States with respect to the military forces of the United States, the military forces of the allies of the United States, and the military forces of the Warsaw Pact countries;

(ii) the uncertainties in the estimates of the trends in such forces; and

(iii) the differences in the data bases used by the United States, the allies of the United States, and the Warsaw Pact countries.

(2) The analysis required under paragraph (1)(E) shall address separately the uncertainties in the estimates of the following:

- (A) Active forces.
- (B) Reserve forces.
- (C) Total equipment of such forces.
- (D) Indigenous forces.
- (F) Forces of a country stationed outside such country.

(b) DEADLINE FOR REPORT.—The President shall submit the report not later than March 1, 1990, together with such comments and recommendations as he determines appropriate. The report shall be submitted in both classified and unclassified versions.

Mr. WIRTH. Mr. President, at a recent discussion on conventional arms control at the Center for Strategic and International Studies [CSIS], I raised the issue of verification and the status of our thinking, both inside and outside the Government, on the issues we face in shaping a verification package for the CFE talks. It was agreed that a great deal more work in this area was necessary, and CSIS accordingly convened a working group to outline an issues paper on conventional arms control verification. That group was led by Michael Moodie, senior fellow at CSIS, and benefited from the views of several experts, acting in a private capacity, including Maria Alongi, CSIS; Lt. Col. Dorn Crawford, U.S. Army Concepts Analysis Agency; Andrew Hamilton, Nation-

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(A) a discussion of the necessary types of data that would be exchanged by the parties to such an agreement;

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(2) The analysis required under paragraph (1)(E) shall address separately the uncertainties in the estimates of the following:—

(A) Active forces.

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(F) Forces of a country stationed outside such country.

(b) DEADLINE FOR REPORT.—The President shall submit the report not later than March 1, 1990, together with such comments and recommendations as he determines appropriate. The report shall be submitted in both classified and unclassified versions.

Mr. WIRTH. Mr. President, at a recent discussion on conventional arms control at the Center for Strategic and International Studies (CSIS), I raised the issue of verification and the status of our thinking, both inside and outside the Government, on the issues we face in shaping a verification package for the CFE talks. It was agreed that a great deal more work in this area was necessary, and CSIS accordingly convened a working group to outline an issues paper on conventional arms control verification. That group was led by Michael Moodie, senior fellow at CSIS, and benefited from the views of several experts, acting in a private capacity, including Maria Alongi, CSIS; Lt. Col. Dorn Crawford, U.S. Army Concepts Analysis Agency; Andrew Hamilton, Nation-

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(d) **DEADLINE FOR REPORT.**—The President shall submit the report required by subsection (a) not later than March 15, 1990. The report shall be submitted in both classified and unclassified versions.

SEC. 907. COMMISSION ON NATIONAL SERVICE

(a) **ESTABLISHMENT OF COMMISSION.**—(1) There is established a study commission to be known as the "Commission on National Service" (hereinafter in this section referred to as the "Commission").

(b) **COMPOSITION.**—(1) The Commission shall be composed of nine members as follows:

(A) Three members appointed by the President.

(B) Two members appointed by the majority leader of the Senate.

(C) One member appointed by the minority leader of the Senate.

(D) Two members appointed by the Speaker of the House of Representatives.

(E) One member appointed by the minority leader of the House of Representatives.

(2) The President shall designate one of the members to serve as chairman of the Commission.

(3) The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(c) **PERIOD OF APPOINTMENT; VACANCIES; MEETINGS; QUORUM.**—(1) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(2) Four members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(d) **DUTIES OF THE COMMISSION.**—(1) The Commission shall conduct a thorough study of the desirability, need for, advantages, and disadvantages of the establishment of a national service program.

(2) In conducting the study referred to in paragraph (1) the Commission shall address the following questions:

(A) What types of community service needs are there that are not adequately being met by the private sector or by local, State, and Federal governments and could be adequately met through a program of national service?

(B) What are the direct and indirect cost benefits that would likely result from the establishment of a comprehensive national service program under which a variety of social services would be provided?

(C) What are the future military manpower requirements of the United States and to what extent might those requirements be met by a national service program that offers special educational benefits and other incentives to participants in return for military service? In addressing this question, the Commission should take into account projected demographic changes.

(D) Are the benefits of a national service program likely to outweigh the estimated costs of such a program?

(3) In carrying out such study, the Commission shall—

(A) determine the appropriate levels of compensation and other benefits a participant in a national service program should receive for military service and for civilian community service;

(B) assess the existing Federal, State, and local efforts being made to encourage service in the Armed Forces and civilian community service;

(C) assess the opportunities that are available to, and the problems that confront, the youth of the United States and consider how service in a national service program could help participants take advantage of

those opportunities and solve those problems; and

(D) evaluate the effectiveness of national service programs conducted in other countries.

(e) **REPORT.**—(1) The Commission shall submit the results of its study, together with such comments and recommendations as it considers appropriate, to the President and Congress not later than February 15, 1991.

(2) Within 90 days after the Commission submits its report to the President and Congress, the President shall submit his comments and recommendations regarding the report to Congress.

(f) **SPECIFIC RECOMMENDATIONS.**—If the Commission recommends the establishment of a national service program, it shall include in its report specific recommendations for the implementation of such a program, including recommendations regarding active duty service in the Armed Forces, service in the Reserve components of the Armed Forces, and part-time and full-time community service.

(g) **INFORMATION.**—The Commission may secure directly from the Department of Defense and any other Federal department or agency such information as the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(h) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(i) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(j) **STAFF.**—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint, and terminate the employment of, an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of a staff director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for GS-18 of the General Schedule under section 5332 of such title.

(k) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without payment of reimbursement to the detailing agency. A detail of a Federal employee under this subsection shall not result in the

interruption or loss of civil service status or privilege.

(l) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of such title.

(m) **APPLICABILITY OF OTHER FEDERAL LAWS.**—A member of the Commission appointed under subsection (b) who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of—

(1) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and

(2) chapter 171 of title 28, United States Code, relating to torts claims.

(n) **POSTAL AND PRINTING SERVICES.**—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(o) **MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.**—The Administrator of General Services shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(p) **TERMINATION OF COMMISSION.**—The Commission shall terminate 120 days after the date on which Commission submits its report under subsection (e).

(q) **EXPENSES OF THE COMMISSION.**—The Secretary of Defense shall pay all expenses incurred in carrying out the study provided for in this section out of funds available to the Department of Defense.

SEC. 908. EXTENSION OF AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

(a) Effective on October 1, 1989, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended—

(1) by striking out "fiscal years 1988 and 1989" both places it appears and inserting in lieu thereof "fiscal years 1990 and 1991"; and

(2) by inserting "and the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, signed by the United States Ambassador to NATO on September 26, 1984, and other follow-on support agreements for the NATO E-3A Cooperative Programme" after "December 6, 1978,".

SEC. 909. PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES

(a) **AUTHORITY TO ENTER INTO BILATERAL AND MULTILATERAL ARRANGEMENTS.**—Subsection (a) of section 2401a of title 10, United States Code, is amended—

(1) by striking out "an arrangement with the Minister of Defense or other appropriate official of any allied country or with the North Atlantic Treaty Organization (NATO)" and inserting in lieu thereof "a bilateral arrangement with any allied country or allied international organization or may enter into a multilateral arrangement with allied countries and allied international organizations";

(2) by striking out "such country or NATO" and inserting in lieu thereof "the allied country or countries or allied international organization or allied international organizations, as the case may be"; and

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(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 902. REDUCTIONS TO REFLECT MANAGEMENT SAVINGS

The total amount authorized to be appropriated for fiscal year 1990 for military personnel and operations and maintenance may not exceed \$166,752,900,000, and the total amount authorized to be appropriated for fiscal year 1991 for such purposes may not exceed \$171,848,000,000.

SEC. 903. LIMITATION ON RESTORATION OF WITHDRAWN UNOBLIGATED BALANCES

(a) Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2782. Limitation on restoration of withdrawn unobligated balances

"(a) No funds may be restored under section 1552(a)(2) of title 31 to any appropriation account available to the Department of Defense for use in a program, project, or activity unless—

"(1) the total amount restored during a fiscal year to such account for such program, project, or activity is less than \$4,000,000; or

"(2)(A) the head of the military department or Defense Agency concerned determines that the amount to be restored is required to pay obligations and make adjustments authorized by a contract described in subsection (b);

"(B) the action to restore the funds is approved by the Secretary of Defense; and

"(C) in an instance in which the total amount to be restored is \$25,000,000 or more, not less than 30 days have elapsed after the notice described in subsection (c) is provided to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

"(b) A contract referred to in subsection (a)(2)(A) means a contract for the program, project, or activity for which funds were made available from the account to which funds are proposed to be restored.

"(c) The notice referred to in subparagraph (a)(2)(C) means notice of the intent to restore funds under subsection (a) and a description of the legal basis and policy reasons for the action."

(b) TECHNICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding the following new item:

"2782. Limitation on restoration of withdrawn unobligated balances."

SEC. 904. REPORT ON CONVENTIONAL ARMS CONTROL VERIFICATION

(a) REPORT.—(1) The President shall submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a report on the types of measures that would be required to verify effectively the proposal for conventional arms reductions in Europe adopted by the member nations of the North Atlantic Treaty Organization (NATO) on May 30, 1989. The President shall include in such report—

(A) a discussion of the necessary types of data that would be exchanged by the parties to such an agreement;

(B) a description of the national technical means, on-site inspections, and other cooperative measures that would be necessary for the parties to such an agreement to detect and verify potential or actual violations of the agreement;

(C) an analysis of the measures that would be required to monitor (i) the withdrawal and demobilization of military personnel, and (ii) the withdrawal and, when

required, the destruction of military equipment provided for in any such agreement;

(D) a discussion of the procedures NATO would follow in the event of a violation of such an agreement by a member or members of the Warsaw Treaty Organization; and

(E) a comprehensive analysis of—

(i) the uncertainties in data bases used by the United States with respect to the military forces of the United States, the military forces of the allies of the United States, and the military forces of the Warsaw Pact countries;

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(A) Active forces.

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(D) Indigenous forces.

(F) Forces of a country stationed outside such country.

(b) DEADLINE FOR REPORT.—The President shall submit the report not later than March 1, 1990, together with such comments and recommendations as he determines appropriate. The report shall be submitted in both classified and unclassified versions.

SEC. 905. IMPLICATIONS OF MUTUAL REDUCTIONS IN CONVENTIONAL FORCES IN EUROPE BY NATO AND WARSAW PACT MEMBER NATIONS

(a) COMMENDATION OF PRESIDENT'S CONVENTIONAL ARMS REDUCTION INITIATIVE.—Congress commends and supports the President's conventional arms initiative announced in Brussels on May 29, 1989, in which the President proposed, and the North Atlantic Treaty Organization (NATO) agreed, that NATO expand its negotiating position at the negotiations on Conventional Armed Forces in Europe (CFE) to include substantial reductions by each side to equal ceilings of helicopters and combat aircraft and a reduction to a common ceiling of United States military personnel in Western Europe and Soviet military personnel in Eastern Europe.

(b) PRESIDENTIAL REPORT.—(1) Not later than six months after the date of the enactment of this Act, the President shall submit to Congress an unclassified report, with classified annexes as necessary, on the foreign policy and military implications to NATO and to the Warsaw Pact of significant reductions of conventional forces by NATO and Warsaw Pact countries to a ceiling which is the same for both sides.

(2) The report shall be prepared based upon three different assumptions with regard to the level of reductions in personnel and equipment. Under the first assumption, personnel and equipment would be reduced not less than 10 nor more than 15 percent below current NATO levels. Under the second assumption, personnel and equipment would be reduced 25 percent below current NATO levels. Under the third assumption, personnel and equipment would be reduced 50 percent below current NATO levels.

(3) The report shall include the following:

(A) A comprehensive net assessment of the current balance of NATO and Warsaw Pact forces and of the overall trends in the balance, including an assessment of the trends in active and reserve forces and total equipment holdings in stationed and indigenous forces.

(B) A description of the likely alternative force postures that could be adopted by member nations of both alliances (particularly by the United States and the Soviet Union) under each of the assumptions in paragraph (2), together with a description of the possible effects of restructuring both NATO and Warsaw Pact forces in Europe for defensive purposes.

(C) A statement of the costs (or savings) to the United States, over at least a seven-year period, estimated to be associated with each force posture referred to in subparagraph (A), together with an analysis of how those costs (or savings) were determined.

(D) An analysis of the implications for NATO strategy, security, and military policy under each of the reduction levels referred to in paragraph (2).

(E) An assessment of the effects under each of the reduction levels referred to in paragraph (2) (including the alternative force postures under each assumed reduction level) upon the stability of the conventional balance of forces in Europe.

(F) An assessment of NATO's ability to defend Europe under each of the assumed reduction levels in the event (i) of a short warning attack by the Warsaw Pact against NATO, or (ii) the Warsaw Pact initiates a war against NATO during a crisis in Europe.

SEC. 906. REPORT ON THE DESIRABILITY OF NEGOTIATIONS WITH THE SOVIET UNION REGARDING LIMITATIONS ON ANTI-SATELLITE CAPABILITIES

(a) REPORT BY THE PRESIDENT.—The President shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive report regarding the desirability of an agreement to impose limitations on anti-satellite capabilities. The President shall include in such report his determination of whether a ban or other limitations on some or all anti-satellite (ASAT) weapons would be verifiable and, if so, whether such a ban would be in the national interest of the United States.

(b) MATTERS RELATING TO VERIFICATION.—In making the determination referred to in subsection (a), the President shall—

(1) take into consideration the extent to which on-site inspection measures as well as national technical means for verification can increase confidence in the ability of the United States to monitor and verify various agreed upon ASAT limitations;

(2) examine various arms control possibilities, including—

(A) a total ban on ASAT capability;

(B) a ban or other limitations on ASATs with the potential to attack satellites at altitudes above the Van Allen belt;

(C) a ban or other limitations on ASATs that operate only in low-Earth orbit;

(c) MATTERS RELATING TO DETERRENCE AND WARFIGHTING REQUIREMENTS.—In the report required by subsection (a), the President shall also address—

(1) the contribution an ASAT capability can make toward enhancing deterrence;

(2) the contribution an ASAT capability can make toward meeting the war fighting requirements of the United States and how an ASAT capability enhances force survivability; and

(3) the extent to which meeting the war fighting requirements and deterrence objectives of the United States would be enhanced based upon a net assessment under the following conditions:

(A) A Soviet only ASAT capability.

(B) A total or limited ban on the ASAT capability of the United States and the Soviet Union.

(C) An unrestricted United States and Soviet ASAT capability.